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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,423	12/03/2003	Masaru Okutsu	117181	4781

25944 7590 09/12/2007

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EXAMINER	
GE, YUZHEN	
ART UNIT	PAPER NUMBER
2624	
MAIL DATE	DELIVERY MODE
09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,423	OKUTSU ET AL.	
	Examiner	Art Unit	
	Yuzhen Ge	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *11-20 and 27-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 21-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Examiner's Remark

Applicant's response to election/restriction requirement, filed on June 25, 2007, has been received and entered into the file. According to the response, Species I, Fig. 2 (claims 1-10 and 21-26) is elected without traverse and therefore claims 11-20 and 27-32 are withdrawn from examination.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 26 defines a computer program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed a computer program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in

order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Currently in TC 2600, it is required explicitly to include "computer-readable medium", "encoded" (or "storing", "embodied with a", "encoded with a", "having a stored", "having an encoded"), and "computer program" in the claim language to make it explicitly a statutory subject matter.

Claim Rejections - 35 USC § 102

2. Claims 1-10 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Uekusa et al (US Patent 6,791,711).

Regarding claim 21, Uekusa et al teach an image processing method using an image processing apparatus which accesses a database that stores items of characteristic quantity information to be used for recognizing, in image data, respective objects and items of color information of the respective objects, the characteristic quantity information and the color information are correlated with each other for the respective objects, comprising the steps of:

performing image recognition processing on image data using the items of characteristic quantity information stored in the database, and acquiring color information of an object that has been recognized in the image data by the image recognition processing (Figs. 5-9, col. 12, lines 1-10, the tables in Figs.4-7 and 9 are regarded as part of the database, for example, the image object 4 in Fig. 8 is recognized as bright sky); and

searching the database to retrieve the color information indicating a color of the object recognized by the image recognition processing, and identifying a color space of the image data

by comparing the acquired color information with the retrieved color information (col. 14, lines 4-24, Figs. 3-9, color matching is by searching).

Regarding claim 22, Uekusa et al teach the image processing method according to claim 21, further comprising: performing statistical processing on identification results of color spaces of the image data that was previously processed (Figs. 3-9 and 11-13, col. 6, lines 46-65, the histogram and averages are the results of statistical processing); and performing prescribed processing using a result of the statistical processing (Figs. 3-9 and 11-13, col. 6, lines 46-65, color processing is performed based on histogram and averages, col. 15, lines 5-11).

Regarding claim 23, Uekusa et al teach the image processing method according to claim 21, wherein the acquired color information of the object that has been recognized in the image data is acquired by converting the image data into a reference color space a plurality of times using different conversion parameters each time, each of the different conversion parameters corresponding to a different color space (an image of an object is formed either by a digital camera or by a scanner and will be displayed on a monitor or printed by a printer, col. 1, lines 36-61, col. 7, lines 51-52, Fig. 1, monitor and printer use different color spaces, each of the images will go through the process shown either in Figs. 2-3 or Fig. 8 of Uekusa et al; when the image is to be printed and displayed by a monitor, then the image data has to be converted to a reference color space used by the printer and the monitor and therefore conversions are performed a plurality of times using different conversion parameters corresponding to a

different color space, for example, at least one time to the color space corresponding to the printer and one time to the monitor).

Regarding claim 24, Uekusa et al teach the image processing method according to claim 21, wherein the color information stored in the database includes at least one or more of: information indicating a saturation range, information indicating a hue range, and information indicating a target color (col. 7, line 54-col. 8, line 20, Figs. 14A-14D, for example, information indicating a saturation range is used).

Regarding claim 25, Uekusa et al teach the image processing method according to claim 22, wherein the result of the statistical processing includes at least one or more of: a saturation histogram, a hue histogram, and an average color (col. 6, lines 45-65, the color difference signal is a color in YCbCr color space and therefore a color as well, its average is used, Figs. 2-9 and 12).

Claims 1-5 and 6-10 are the corresponding apparatus and apparatus with a controller claims of claims 21-25. Uekusa et al teach an apparatus and an apparatus with a controller (Fig. 1, col. 5, line 34-col. 6, line 25). Thus Uekusa et al teach claims 1-5 and 6-10 as evidently explained in the above-cited passages.

Claim 26 is the corresponding computer program claim of claim 21. Uekusa et al teach a computer program/software (Fig. 1, col. 5, line 34-col. 6, line 25). Thus Uekusa et al teach claim 26 as evidently explained in the above-cited passages.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuzhen Ge whose telephone number is 571-272 7636. The examiner can normally be reached on 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuzhen Ge
Examiner
Art Unit 2624

WENPENG CHEN
PRIMARY EXAMINER

7/17/07